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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,604	06/01/2001	Robert E. Callies	Lindsay 51	2262

7590 01/18/2005
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EXAMINER

HWU, DAVIS D

ART UNIT	PAPER NUMBER
3752	

3752

DATE MAILED: 01/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/872,604	Applicant(s) CALLIES ET AL	
Examiner Davis D. Hwu	Art Unit 3752	

-- The MAILING DATE of this communication appears on th cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 November 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-9, 13-19 and 21-25 is/are rejected.
- 7) Claim(s) 10-12 and 20 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner:
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

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R sponse to Amendment

1. Applicant's amendment and remarks of November 25, 2004 are acknowledged and entered.
2. Applicant's amendment and remarks have been fully considered.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

4. Claims 1, 3-9, 14, 16-19, and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Hane.

Hane shows a distribution tube assembly for an irrigation system of the type having a main supply line 7 for conveying fluid, the distribution tube assembly comprising an elongated frame with a first upstream end, a second downstream end and at least two fluid passageways 2 and 3 defined therein to permit more than one fluid stream therethrough, each passageway permitting fluid flow from the first upstream end to the second downstream end, at least one of the fluid passageways being in fluid communication with the main supply line, at least another of the fluid passageways being in fluid communication with a second fluid supply line 18. Hane also shows adaptors positioned at the first and second ends of the distribution assembly in which the adaptors comprise a branch fitting as recited in claims 4-7. Regarding claim 8, since the adaptor 6 has a bore disposed therein in fluid communication with at least one of the passageways, forming a plurality of bores on the adaptor would have been a matter of design choice since it has been held that mere duplication of the essential

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working parts of a device involves only routine skill in the art.

5. Claims 1, 2, 13, 14, 16-19, and 21 , 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunn.

Dunn shows a distribution tube assembly for an irrigation system of the type having a main supply line 16 for conveying fluid, the distribution tube assembly comprising an elongated frame with a first upstream end, a second downstream end and at least two fluid passageways 22 and 30 defined therein to permit more than one fluid stream therethrough, each passageway permitting fluid flow from the first upstream end to the second downstream end, at least one of the fluid passageways being in fluid communication with the main supply line, at least another of the fluid passageways being in fluid communication with a second fluid supply line 26, wherein the first fluid passage 22 is at least twice as large as a second fluid passageway as recited in claim 2.

Claim Rejections - 35 USC § 103

6. Claims 15 and 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Hane.

Since Hane shows a regulator valve 8 in the main supply line, it would have been obvious to one having ordinary skill in the art that placing the regulator valve in the first adaptor before the branch could be done without comprising the function of the device of Hane since the valve 8 could still be shutoff for the entire main supply line.

Allowable Subject Matter

7. Claims 10-12 and 20 are objected to as being dependent upon a rejected base

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claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments filed November 25, 2004 have been fully considered but they are not persuasive. Hane shows the structural limitations of the instant invention including two fluid passageways 2 and 3 in which passageway (sub-pipe as described in the arguments) 3 permits flow from the upstream of the water sprinkling device to the downstream end of the device when the holes 19 of the cock 16 are matched with the holes 15 of guide wall 14. As the cock 16 is rotated, the holes 19 and 15 are aligned and water flows from passageway 2 into passageway 3 through hole 18. Although 18 is labeled a hole, it is also a fluid supply line since it supplies fluid from passageway 2 to passageway 3. Hole 18 is thus considered to be a second fluid supply line. Dunn also shows two passageways 22 and 30 being fluidly connected by opening 26 which is also considered to be a second fluid supply line. Fluid flows into passageway 30 from passageway 22 through 26 and flows toward the downstream end of the device.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis D. Hwu whose telephone number is 571-272-4904. The examiner can normally be reached on 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on 571-272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Davis Hwu
Primary Examiner